

NO FEAR ACT POLICY

By law, NIST employees are required to receive notification of the following information. For further information, contact Mirta-Marie M. Keys, Acting Director, NIST Civil Rights, 301-975-2042 or keys@nist.gov.

The **Notification of Federal Employees Anti-Discrimination and Retaliation Act** (No FEAR Act) (Public Law No. 107-174) became effective on October 1, 2003. The intent of the act is to help ensure that federal agencies:

- work more expeditiously toward the resolution of complaints at the lowest possible level;
- publish on their Web sites statistical data relating to equal employment opportunity complaints filed against them, under 29 C.F.R Part 1614; and
- exercise greater accountability for violations of anti-discrimination and whistleblower protection laws.

The No FEAR Act requires federal agencies, including the Department of Commerce and its bureaus, to:

- notify employees and applicants for employment about their rights under the anti-discrimination and whistleblower protection laws;
- ensure that managers have adequate training in the management of a diverse workforce, early and alternative conflict resolution, and essential communications skills;
- initiate timely and appropriate discipline against employees, including managers and supervisors, who engage in misconduct relating to discrimination or reprisal; and
- conduct studies on trends and causes of complaints of discrimination.

The act also requires agencies that lose or settle discrimination or whistleblower cases to pay judgments out of their budgets. Those payments are currently paid out of a general federal judgment fund.

Specific guidelines for accomplishing these requirements are being developed jointly by the Office of Personnel Management, Equal Employment Opportunity Commission, U.S. Office of Special Counsel, and Department of Treasury.

NIST Civil Rights Office (CRO) Compliance:

Pursuant to the No FEAR Act, the NIST CRO has posted data pertaining to complaints of employment discrimination initiated by NIST employees, former employees, and applicants for employment under 29 C.F.R. Part 1614 on the CRO Web page at http://www-i.nist.gov/director/civil/no_fear_act.htm

In addition, a link has been established to the Department of Commerce (DOC), Office of Civil Rights, where data on formal NIST complaints have been posted: <http://www.osec.doc.gov/ocr/nofear/nofearnist.htm>

Complaints of alleged discrimination or reprisal:

Individuals who believe they have been subjected to prohibited discrimination or retaliation because of their participation in a protected EEO activity should contact a NIST EEO Counselor, or the NIST Civil Rights Office within 45 calendar days of the date that they believe

discrimination took place, or within 45 calendar days of the date they learned or should have learned of the alleged act of discrimination. Contact information for EEO counseling is posted throughout both NIST campuses and on the NIST CRO Web page.

Whistleblowing and Prohibited Personnel Practices:

Additional information on Prohibited Personnel Practices can be obtained by contacting the U.S. Office of Special Counsel at www.osc.gov or 1-800-872-9855 or Hearing and Speech Disabled: Federal Relay Service at 1-800-872-9855.

Effective Date: MARCH 22, 2004

Expiration: Until superceded